

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HUNTER DARYL SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:24-cv-361-JTA
	)	(WO)
BILL FRANKLIN, Elmore County	)	
Sheriff, in his individual capacity, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the court is Defendant Nurse Pamela Oliver’s Motion to Correct the Case Docket Regarding Service of Process or, In the Alternative, to Quash Service, which was filed on September 3, 2024. (Doc. No. 35.)

In the motion, Defendant Oliver requests that the court correct the docket sheet to reflect she was not properly served with Plaintiff’s First Amended Complaint (Doc. No. 20), or, alternatively, that the court quash service of the First Amended Complaint. However, on September 30, 2024, Plaintiff filed a Second Amended Complaint. (Doc. No. 41.) The Second Amended Complaint supersedes the First Amended Complaint, rendering it a nullity. *See Hoefling v. City of Miami*, 811 F.3d 1271, 1277 (11th Cir. 2016) (noting that, because an earlier pleading is abandoned and superseded by an amended pleading, “[w]hen [the plaintiff] filed the second amended complaint, the first amended complaint (and its attached exhibits) became a legal nullity”); *Dresdner Bank AG, Dresdner Bank AG in Hamburg v. M/V OLYMPIA VOYAGER*, 463 F.3d 1210, 1215 (11th Cir. 2006) (“An

amended pleading supersedes the former pleading; ‘the original pleading is abandoned by the amendment, and is no longer a part of the pleader’s averments against his adversary.’” (quoting *Proctor & Gamble Defense Corp. v. Bean*, 146 F.2d 598, 601 n. 7 (5th Cir. 1945)<sup>1</sup>). Accordingly, it is ORDERED as follows:

1. Defendant Oliver’s Motion to Correct the Case Docket Regarding Service of Process (Doc. No. 35) is DENIED as moot.
2. Defendant Oliver’s Motion to Quash Service (Doc. No. 35) is DENIED as moot.

DONE this 7th day of October, 2024.

  
\_\_\_\_\_  
JERUSHA T. ADAMS  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA

**EXPLANATION OF ASSIGNMENT TO  
UNITED STATES MAGISTRATE JUDGE**

This civil case has been randomly assigned to a United States Magistrate Judge of this court. In accordance with 28 U.S.C. 636(c), the Magistrate Judges of this court are designated to conduct any and all proceedings in a jury or non-jury civil case and order the Entry of final judgment upon the consent of all parties to a case. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeal for the Eleventh Circuit in the same manner as any appeal from any judgment entered in this court.

Any party to this lawsuit has the right to consent or decline consent to the jurisdiction of a Magistrate Judge. To exercise your right to consent you should complete the consent form and return it to the Clerk of the Court as indicated in the court's order. Litigants, without concern for any adverse consequences, freely may decline consent to the jurisdiction of a Magistrate Judge. If you decline consent to the jurisdiction of a Magistrate Judge, this case will be reassigned randomly to a District Judge.

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BILL FRANKLIN, Elmore County	)	
Sheriff, in his individual capacity, et al.,	)	
	)	
	)	
Defendants.	)	

**CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter hereby confirm in writing their consent to a United States Magistrate Judge's conducting any and all further proceedings in the case, including trial, and ordering the entry of a final judgment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Counsel For (**print** name of party or parties)

\_\_\_\_\_  
Address, City, State, Zip Code

\_\_\_\_\_  
Telephone Number

**Return form to:**

Trey Granger, Clerk, United States District Court for the Middle District of Alabama,  
1 Church Street, B110; Montgomery, Alabama 36104

**OR**

follow instructions in above order to complete online

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	)	
	)	
Defendants.	)	

**REQUEST FOR REASSIGNMENT OF CASE  
TO A UNITED STATES DISTRICT JUDGE**

The undersigned party has read the Notice of Assignment to United States Magistrate Judge and hereby declines to consent to the Magistrate Judge's exercise of civil jurisdiction in this case. The undersigned party requests reassignment of this case to a United States District Judge. The party understands that this request may not be revoked.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Counsel For (**print** name of party or parties)

\_\_\_\_\_  
Address, City, State, Zip Code

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